

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Tracy Jenson,

Plaintiff,

v.

National Air Traffic Controllers
Association,

Defendant.

NO: CV-10-201-RMP

ORDER DENYING PLAINTIFF'S
MOTION TO RECONSIDER

Before the Court is a motion for reconsideration by Plaintiff, Tracy A. Jenson, for the Court to reconsider its previous order dismissing plaintiff's complaint. The Court is deciding this motion although the Plaintiff failed to note this motion for hearing despite being advised by the clerk's office of the necessity of doing so.

Previously, this Court dismissed Mr. Jenson's original complaint and entered judgment for the Defendants. ECF NO. 5. Mr. Jenson bases his motion for reconsideration on a "lack of facts for the Judge's original consideration." ECF NO. 7 at 1.

ORDER DENYING PLAINTIFF'S MOTION TO RECONSIDER ~ 1

1 “Reconsideration is proper if the district court (1) is presented with newly
2 discovered evidence; (2) committed clear error or the determination was manifestly
3 unjust; or (3) an intervening change in the law occurred.” *Hixon v. Nevada Dept.*
4 *of Corrections*, Slip Copy, 2011 WL 182101
5 C.A.9 (Nev.),2011(citing *Nunes v. Ashcroft*, 375 F.3d 805, 807-08 (9th Cir. 2004)).
6
7

8 In his motion for reconsideration, Mr. Jenson provides an extensive
9 recitation of the facts that he alleges support his claims. ECF NO. 7. In addition,
10 he submitted attachments that he argues are relevant to his complaint and his
11 motion for reconsideration. ECF NO. 7, attachment 1.
12

13 After reviewing Mr. Jenson’s motion for reconsideration, the documents and
14 the comments in attachment A, the Court finds that Mr. Jenson has not provided
15 any “newly discovered evidence” or added any allegation of facts that were not in
16 his original complaint. See ECF NO. 4.
17
18

19 The Court dismissed Mr. Jenson’s previous complaint in this cause number
20 because the Court concluded that his allegations in that complaint duplicated the
21 claims in another case in this Court, 10-cv-00069-RMP, which was also dismissed
22 for lack of subject matter jurisdiction. See ECF NO. 5.
23
24

25 After reviewing Mr. Jenson’s motion for reconsideration, the Court applied
26 the factors for determining whether reconsideration is appropriate. The Court
27 concludes that none of the following factors are applicable in this case. There has
28

1 been no newly discovered evidence, nor clear error or determination that was
2 manifestly unjust, nor an intervening change in the law occurred. See *Hixon v.*
3 *Nevada Dept. of Corrections*, Slip Copy, 2011 WL 182101 C.A.9
4 (Nev.),2011(citing *Nunes v. Ashcroft*, 375 F.3d 805, 807-08 (9th Cir. 2004)).

6 The Court finds no basis for reconsidering its previous order. Therefore, Mr.
7
8 Jenson's Motion for Reconsideration, **ECF NO. 7**, is **DENIED**.

9 This District Court Executive is directed to enter this Order and provide a
10
11 copy to Plaintiff and counsel for Defendant. This case is to **REMAIN CLOSED**.

12 **DATED** this 29th day of April, 2011.

13
14
15 s/ Rosanna Malouf Peterson
16 ROSANNA MALOUF PETERSON
17 Chief United States District Court Judge
18
19
20
21
22
23
24
25
26
27
28